

LEGISLATIVE BILL 397

Approved by the Governor May 13, 1975

Introduced by Schmit, 23

AN ACT to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943, relating to assistance to dependent children; to include unborn children as dependent children; to allow application for benefits for such children; to repeal the original section; and to declare an emergency. Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504. (1) The term dependent child means shall mean a child under the age of eighteen years, or under the age of twenty-one years if he is a student regularly attending a school, college or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or childcare institution as a result of such determination when the state, any court having jurisdiction of such child, or the county welfare agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; 7 (b) such child would have received assistance in or for such month if application had been made therefor; 7 or (c) such child had been living with such a relative specified above at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of,

such a relative and application had been made therefor. Every child between the ages of eighteen and twenty-one who would be eligible for aid to dependent children payments except for age shall nevertheless be eligible for medical assistance benefits.

(2) Only for the purpose of awarding aid to dependent children payments, the term dependent child shall include unborn children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or an increase in an existing unit budget.

{2} (3) A physically handicapped or crippled child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

Sec. 2. That original section 43-504, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.